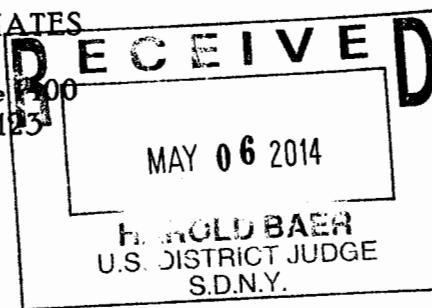


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TRAM D. LOPRESTO

\*Admitted in New York and Ohio



May 1, 2014

Via ECF

Hon. Harold Baer, Jr., U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

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ELECTRONICALLY FILED  
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DATE FILED: 5/19/14

Re: Agramonte v. ST Management  
Group, Inc. et. al.  
Index No. 14 Civ. 1790

Dear Judge Baer,

We represent defendants in the above-captioned matter.

Your Honor has scheduled an Initial Pre-Trial Conference on this matter for May 22, 2014 at 3:15 p.m.

In this action, plaintiff Agramonte purports to set forth claims against defendants, his former employer, for unpaid wages under federal and New York law.

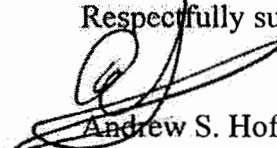
I enclose for the Court's review two letters I previously sent to Richard Garbarini, counsel for plaintiff herein. The first letter sent on March 24, 2014 detailed the complete falsity of the allegations set forth in plaintiff's original complaint and provided Mr. Garbarini with documents generated by defendants during plaintiff's eight (8) days of employment with defendants which demonstrate unequivocally that plaintiff's allegations are factually incorrect.

After receiving my March 24, 2014 letter, Mr. Garbarini did not discontinue this action as I had demanded, but rather interposed a First Amended Complaint. Remarkably, Mr. Garbarini revised plaintiff's allegations in the First Amended Complaint to correspond with the documentary evidence I sent him, but added new claims clearly invented so as to navigate around the undisputed facts as now understood by Mr. Garbarini and his client.

After receiving the First Amended Complaint, I wrote to Mr. Garbarini again on April 10, 2014 pointing out plaintiff's new fabrications and their inconsistency with his allegations made just two weeks earlier, and again demanding that he withdraw his action before defendants were required to expend resources to defend the case. Mr. Garbarini did not respond to my April 10, 2014 letter.

It is defendants' contention that the conduct of Mr. Garbarini in maintaining this action in the face of Mr. Agramonte's wanton prevarications is so egregious and inconsistent with his obligations under Rule 11, F.R.C.P. that we are taking the unusual step of bringing this to the Court's attention at this early stage of the case, and hope to address our concerns with the Court on May 22<sup>nd</sup>.

Respectfully submitted,

  
Andrew S. Hoffmann

cc: Richard Garbarini, Esq.

*all of what you say  
maybe not true it can  
best be resolved at the  
PTC on the 22nd - See  
you then -*

SO ORDERED

  
Harold Baer, Jr., U.S.D.J.

Date: 5/19/14

Endorsement:

All of what you say may be so but it can best be resolved at the pre trial conference on the 22<sup>nd</sup> - See you Thursday.